

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ron Stoker, on February 10, 2009 at 8:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Ron Stoker, Chairman (R)
Rep. Deborah Kottel, Vice Chairman (D)
Rep. Arlene Becker (D)
Rep. Gerald Bennett (R)
Rep. Anders Blewett (D)
Rep. Robyn Driscoll (D)
Rep. Bob Ebinger (D)
Rep. David Howard (R)
Rep. Krayton Kerns (R)
Rep. Margaret MacDonald (D)
Rep. Edith (Edie) McClafferty (D)
Rep. Mike Menahan (D)
Rep. Michael More (R)
Rep. Keith Regier (R)
Rep. Diane Sands (D)
Rep. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: Rep. Ken Peterson, Vice Chairman (R)

Members Absent: None

Staff Present: Jennifer Eck, Committee Secretary
David Niss, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 345, 2/3/2009; HB 376, 2/3/2009;
HB 372, 2/3/2009

Executive Action: HB 308; HB 340, HB 349

HEARING ON HB 376

Opening Statement by Sponsor:

00:01:01 Rep. Janna Taylor (R), HD 11, opened the hearing on
HB 376, Alcohol/drug test for DUI as condition of
probation or sentence.

EXHIBIT(juh31a01)

00:05:30 Chairman Stoker

Proponents' Testimony:

00:05:40 Rebecca Sturdevant

EXHIBIT(juh31a02)

00:11:22 Chairman Stoker

Opponents' Testimony:

00:11:52 Mike Ruppert, CEO, Boyd Andrew Community Services
Nonprofit Association; President, Montana Addiction
Service Providers

00:14:42 Chairman Stoker

00:14:48 Mike Sehestedt, Montana Association of Counties (MACO)

00:18:34 Chairman Stoker

Informational Testimony:

00:18:56 Tim Reardon, Chief Counsel, Department of
Transportation

00:21:24 Chairman Stoker

Additional Opponent Testimony:

00:21:30 Brant Light, Assistant Attorney General

00:24:03 Chairman Stoker

Questions from Committee Members and Responses:

00:24:20 Rep. Warburton

00:24:46 Rep. Taylor

Closing by Sponsor:

00:25:08 Rep. Taylor

00:27:30 Chairman Stoker

HEARING ON HB 372

Opening Statement by Sponsor:

00:28:06 Rep. Franke Wilmer (D), HD 64, opened the hearing on
HB 372, Revise exemptions from jury duty.

00:31:49 Chairman Stoker

Proponents' Testimony:

00:31:59 Valarie Roche
00:35:36 Chairman Stoker
00:35:45 Boyce Fowler, AARP

EXHIBIT(juh31a03)

00:37:18 Chairman Stoker
00:37:35 Lynn Hellenga

EXHIBIT(juh31a04)

00:39:47 Niki Zupanic, American Civil Liberties Union of Montana
00:40:35 Beth Brenneman, Disability Rights Montana
00:40:45 Rep. Peterson joins meeting.
00:41:29 Chairman Stoker
00:41:38 Shannon McDonald
00:43:01 Chairman Stoker
00:43:08 Deb Stober
00:44:04 Chairman Stoker
00:44:12 Carol Roberts, La Leche League
00:46:27 Chairman Stoker

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:46:53 Rep. Kottel
00:47:09 Rep. Wilmer
00:47:10 Rep. Kottel
00:47:14 Rep. Wilmer
00:47:30 Rep. Kottel
00:48:03 Rep. Wilmer
00:48:07 Rep. Kottel
00:48:31 Rep. Wilmer
00:48:46 Rep. Kottel
00:49:19 Rep. Wilmer
00:49:54 Rep. Kottel
00:50:55 Rep. Wilmer
00:51:11 Chairman Stoker

00:51:18 Rep. Kottel
 00:51:56 Rep. Wilmer
 00:52:10 Chairman Stoker
 00:52:13 Rep. Kerns
 00:52:34 Rep. Wilmer
 00:53:16 Rep. Kerns
 00:54:13 Rep. Regier
 00:54:54 Rep. Wilmer
 00:55:31 Rep. Regier
 00:55:59 Rep. Wilmer
 00:56:50 Rep. Peterson
 00:57:25 Rep. Wilmer
 00:58:13 Rep. Peterson
 00:58:22 Chairman Stoker
 00:58:26 Rep. Howard
 00:59:05 Rep. Wilmer
 00:59:43 Rep. Howard
 00:59:50 Rep. Wilmer
 00:59:51 Rep. Howard
 01:00:10 Rep. Wilmer
 01:00:21 Rep. Howard
 01:00:28 Rep. Wilmer
 01:00:36 Rep. Howard
 01:00:43 Rep. MacDonald
 01:02:24 Chairman Stoker
 01:02:37 Ms. Roberts
 01:02:52 Chairman Stoker
 01:02:58 Rep. More
 01:03:02 Rep. Wilmer
 01:03:03 Rep. More
 01:03:20 Rep. Wilmer
 01:03:32 Rep. More
 01:03:53 Rep. Wilmer
 01:04:47 Rep. More

Closing by Sponsor:

01:04:54 Rep. Wilmer
 01:07:38 Recess
 01:24:31 Reconvene

HEARING ON HB 345

Opening Statement by Sponsor:

01:25:08 Rep. Ken Peterson (R), HD 46, opened the hearing on
 HB 345, Damages for unfair claims settlement practices.

01:34:56 Chairman Stoker

Proponents' Testimony:

01:35:09 Mike Wheat

EXHIBIT(juh31a05)

01:43:32 Chairman Stoker

01:43:42 Robert Jacobsen

01:45:39 Dan Buckley, attorney, Bozeman, MT

01:54:16 Al Smith, Montana Trial Lawyers Association

EXHIBIT(juh31a06)

02:06:40 Chairman Stoker

Opponents' Testimony:

02:07:46 Robert Phillips, attorney, Missoula, MT

02:21:01 Chairman Stoker

02:21:17 Dennis Lopach, America's Health Insurance Plans

02:23:46 Chairman Stoker

02:24:05 Kurt Drake, Mountain West Farm Bureau Mutual Insurance

02:28:29 Bob Biskupiak, Independent Insurance Agents Association
of Montana

02:29:23 Bruce Spencer, Property Casualty Insurance Association

EXHIBIT(juh31a07)

02:31:22 John Bennion, Montana Chamber of Commerce

02:32:16 Greg Van Horssen, State Farm Insurance Company

02:34:04 Frank Cote, Blue Cross and Blue Shield of Montana

02:34:53 Mark Taylor, Montana Hospital Association, Yellowstone
Insurance Exchange

02:36:28 Jacqueline Lenmark, American Insurance Association,
American Council of Life Insurers

02:38:17 Mike Sehestedt, Montana Association of Counties (MACO)

02:39:00 Bob Worthington, Montana Municipal Insurance Authority

02:39:58 Spook Stang, Executive Vice President, Montana Motor
Carriers Association

02:40:45 John Metropoulos, Farmers Insurance Group

02:42:49 Chairman Stoker

Informational Testimony: None

Questions from Committee Members and Responses:

02:43:10 Rep. Kottel

02:44:15 Mr. Cote

02:44:25 Rep. Kottel

02:45:25 Mr. Cote

02:46:05 Rep. Kottel

02:46:37 Mr. Cote
02:46:54 Chairman Stoker
02:47:03 Mr. Phillips
02:47:43 Rep. Kottel
02:47:46 Chairman Stoker
02:47:48 Rep. Becker
02:47:59 Mr. Wheat
02:48:01 Rep. Becker
02:48:20 Mr. Wheat
02:49:00 Rep. Becker
02:49:13 Mr. Wheat
02:49:58 Chairman Stoker
02:50:16 Mr. Phillips
02:50:33 Chairman Stoker
02:50:37 Rep. Wagner
02:51:01 Mr. Phillips
02:51:02 Rep. Wagner
02:51:39 Mr. Phillips
02:52:51 Rep. Wagner
02:53:11 Mr. Phillips
02:53:13 Mr. Spencer
02:53:18 Rep. Wagner
02:54:30 Mr. Spencer
02:57:09 Chairman Stoker
02:57:12 Rep. More
02:57:26 Mr. Van Horssen
02:57:26 Rep. More
02:57:44 Chairman Stoker
02:57:54 Rep. More
02:58:08 Chairman Stoker
02:58:37 Rep. Driscoll
02:59:02 Chairman Stoker
02:59:07 Rep. Regier
02:59:14 Chairman Stoker
02:59:22 Rep. Regier
02:59:35 Rep. Peterson
03:00:22 Rep. Regier

Closing by Sponsor:

03:01:52 Rep. Peterson
03:05:07 Chairman Stoker
03:05:10 Recess
03:23:06 Reconvene

EXECUTIVE ACTION ON HB 349

03:24:07 **Motion:** Rep. Peterson moved that **HB 349 DO PASS.**

Discussion:

03:24:12 Chairman Stoker
 03:24:36 Rep. Kerns
 03:25:10 Rep. Driscoll
 03:25:43 Rep. Peterson
 03:26:08 Rep. Blewett
 03:26:17 Chairman Stoker
 03:26:30 Rep. Regier
 03:27:40 Rep. Menahan
 03:29:39 Rep. Peterson called the question.
 03:29:47 Rep. McClafferty
 03:30:20 Chairman Stoker

03:30:26 **Vote:** Motion that **HB 349 DO PASS** failed 8-10 by roll call vote with Rep. Sands, Rep. MacDonald, Rep. Ebinger, Rep. Becker, Rep. Driscoll, Rep. McClafferty, Rep. Blewett, Rep. Menahan voting aye.

03:31:41 **Motion/Vote:** Rep. Peterson moved that **HB 349 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 308

03:32:45 **Motion:** Rep. Peterson moved that **HB 308 DO PASS**.

Discussion:

03:33:08 Mr. Niss
[**EXHIBIT\(juh31a08\)**](#)
[**EXHIBIT\(juh31a09\)**](#)
 03:32:47 Chairman Stoker
 03:33:32 Mr. Niss

03:35:17 **Motion:** Rep. Kottel moved that **HB 308 BE AMENDED** (refer to Exhibit 8).

Discussion:

03:35:28 Chairman Stoker
 03:36:00 Rep. Kottel
 03:37:01 Rep. Howard
 03:37:29 Rep. MacDonald called the question.

03:37:45 **Vote:** Motion that **HB 308 BE AMENDED** carried 17-1 by voice vote with Rep. Wagner voting no.

03:38:09 **Motion:** Rep. Peterson moved that **HB 308 DO PASS AS AMENDED.**

03:38:38 Chairman Stoker

03:38:43 **Motion:** Rep. Wagner moved that **HB 308 BE AMENDED**
(refer to Exhibit 9).

Discussion:

03:38:58 Chairman Stoker

03:39:15 Rep. Wagner

03:40:11 Chairman Stoker

03:40:20 Rep. Driscoll called the question.

03:40:31 **Vote:** Motion that **HB 308 BE AMENDED** failed 8-10 by
roll call vote with Rep. Peterson, Rep. Kerns, Rep.
More, Rep. Ebinger, Rep. Wagner, Rep. Regier, Rep.
Warburton, and Rep. Stoker voting aye.

03:42:31 Rep. MacDonald

03:44:00 Rep. Peterson

03:44:36 Rep. Regier

03:45:39 Rep. MacDonald

03:46:22 Rep. Kottel

03:48:47 Rep. Wagner

03:51:07 Rep. Sands

03:51:51 Rep. Menahan

03:52:47 Chairman Stoker

03:52:51 Rep. Menahan

03:53:20 Rep. More

03:54:08 **Vote:** Motion that **HB 308 DO PASS AS AMENDED** carried
11-7 by roll call vote with Rep. Peterson, Rep. Kerns,
Rep. Bennett, Rep. Wagner, Rep. Regier, Rep. Menahan,
and Rep. Stoker voting no.

03:55:19 Chairman Stoker

EXECUTIVE ACTION ON HB 340

03:55:39 **Motion:** Rep. MacDonald moved that **HB 340 DO PASS.**

Discussion:

03:55:43 Chairman Stoker

03:55:56 Rep. Warburton

03:56:41 Rep. Peterson

03:57:34 Rep. Ebinger

03:58:06 Rep. MacDonald
03:59:22 Rep. Wagner
04:02:34 Rep. Kottel
04:03:57 Rep. Peterson called the question.

04:04:03 **Vote:** Motion that **HB 340 DO PASS** carried 12-6 by roll
call vote with Rep. Peterson, Rep. Kerns, Rep. Wagner,
Rep. Regier, Rep. Howard, and Rep. Stoker voting no.

04:05:01 Chairman Stoker
04:07:41 Rep. Wagner
04:07:57 Chairman Stoker
04:13:00 Rep. Becker

ADJOURNMENT

04:13:06 Adjournment

Jennifer Eck, Secretary

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Additional Documents:

EXHIBIT ([juh31aad.pdf](#))